

CITY OF HOLLISTER CITY COUNCIL

Minutes of Regular Meeting

June 6, 2005

CALL TO ORDER:

The regular meeting of the City Council of the City of Hollister was called to order by Mayor Valdivia on June 6, 2005, at 5:30 p.m. in the City Council Chambers at City Hall.

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, and Robert Scattini, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson.

ABSENT: Council Member Monica Johnson.

STAFF PRESENT: Interim Public Works Director Steve Wittry, Airport Manager Bill Gere, Community Services Director Clay Lee, Administrative Services Director Robert Galvan, Fire Chief Bill Garringer, Police Chief Jeff Miller, Interim Development Services Director Bill Avera, and RDA Program Coordinator Bryan Briggs.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of June 6, 2005, was posted on the bulletin board at City Hall on June 3, 2005, at 2:00 p.m. per Government Code Section 54954.2.

CLOSED SESSION AGENDA:

A. Public comment for Closed Session agenda.

None.

B. Mayor Valdivia announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential cases will be discussed)
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. RWQCB - Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case Number CU-04-00063
 - d. Borges et al v. Hollister, Case Number CV030139
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter
Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential
5. Threat to Public Services of Facilities pursuant to Government Code Section 54957:

Consultation with City of Hollister Chief of Police
6. Personnel - City Manager Evaluation/Appointment.

Council Member Scattini moved to recess to Closed Session at 5:30 p.m. to discuss the items listed above. Motion seconded by Council Member Emerson and carried by a unanimous vote.

Council Member Johnson present at 5:35 p.m.

The City Council reconvened at 7:06 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Brad Pike, Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, City Attorney Elaine Cass, and City Clerk Geri Johnson

ABSENT: None.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of June 6, 2005, was posted on the bulletin board at City Hall on June 3, 2005, at 2:00 p.m. per Government Code Section 54954.2.

PROCLAMATION:

Mayor Valdivia proclaimed June 12-18, 2005, to be Chamberlain's Children Center Appreciation Week in the City of Hollister and presented the Proclamation to Doreen Crumrine. She announced that a Family Fun Festival & Flea Market will be held on June 18 from 8 a.m. to 2 p.m. at Chamberlain's Children Center.

CLOSED SESSION:

City Attorney Cass announced that the City Council of the City of Hollister had discussed the following in Closed Session and there was nothing to report:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (1 potential case was discussed)
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (1 potential case was discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. City of Hollister v. Monterey Insurance Company, California Capital

Insurance Company, Case Number M65916

4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter

Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential

5. Personnel - City Manager Evaluation/Appointment.

A. CONSENT RESOLUTION (June 6, 2005):

1. Warrant Registers.
 - (a) Received transmittals, Warrant Register, from Administrative Services Director Galvan.
 - (b) Ratified and approved Warrant Registers:
 - dated May 16, 2005, in the amount of \$927,223.92
 - dated May 19, 2005, in the amount of \$365,712.05
2. Request to Present a Late Claim - Velasquez.
 - (a) Received transmittal dated May 27, 2005, Denial of Application to Present a Late Claim Against the City - Velasquez, from City Clerk Johnson.
 - (b) Denied the request to Present a Late Claim and authorized staff to send the notice of rejection to the claimant.

Council Member Scattini moved to adopt the Consent Resolution (June 6, 2005) as stated above. Motion seconded by Council Member Emerson and carried by a unanimous vote.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. Public Input.
 - (b) Amber Bert, Hollister, CA of San Benito High School thanked Alberto Merino and Clay Lee for their assistance when the Prom was held at

the Veterans Memorial Building.

- (b) Dolly De Vasier, Hollister, CA requested that the Veterans Building Commission be re-instated and requested that damaged items be repaired. Mrs. De Vasier added that Robert Gonzales of the American Legion wants an MOU for the use of the Building.

City Manager Quilter informed her that he would provide her with a copy of the memo he presented to the City Council.

C. PUBLIC HEARINGS: (on or about 7:00 P.M.)

None.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Resolution No. 2005-72, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE ACQUISITION OF FLOATING AERATORS.
 - (a) Received transmittal dated May 27, 2005, A Resolution of the City Council of the City of Hollister authorizing the City Manager to execute a purchase order for the acquisition of three (3) floating aerators, from Community Services Director Lee.
 - (b) Council Member Emerson moved to adopt Resolution No. 2005-72, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE ACQUISITION OF FLOATING AERATORS. Motion seconded by Council Member Pike and carried by a unanimous vote.
2. Resolution No. 2005-73, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR PROFESSIONAL SERVICES WITH MUNIFINANCIAL FOR THE PAYMENT OF SERVICES RELATED TO THE CITY'S FEE STUDY UPDATE.
 - (a) Received transmittal dated May 27, 2005, A Resolution of the City Council of the City of Hollister Authorizing a Supplemental Appropriation of Funds for Professional Services with Munifinancial for the Payment of Services Related to the City's Fee Study Update, from RDA Coordinator Briggs.
 - (b) Council Member Emerson moved to adopt Resolution No. 2005-73,

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR PROFESSIONAL SERVICES WITH MUNIFINANCIAL FOR THE PAYMENT OF SERVICES RELATED TO THE CITY'S FEE STUDY UPDATE. Motion seconded by Council Member Johnson and carried by a unanimous vote.

3. Resolution No. 2005-74, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH LYNN LAKE.
 - (a) Received transmittal dated May 25, 2005, A Resolution Authorizing the Mayor to Execute a Lease Agreement with Lynn Lake, from Development Services Director Avera.
 - (b) Council Member Scattini moved to adopt Resolution No. 2005-74, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH LYNN LAKE. Motion seconded by Council Member Pike and carried by a 3-2 vote, Council Member Johnson and Council Member Emerson voting No.
4. Resolution No. 2005-75, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING PLANS AND SPECIFICATIONS AND CALLING FOR SEALED BIDS FOR THE HOLLISTER MUNICIPAL AIRPORT PERIMETER FENCE - PHASE 2 PROJECT, CIP 2503.
 - (a) Received transmittal dated May 26, 2005, Approval of Plans, Specifications and Contract Documents and Authorize Notice to Bidders for the Hollister Municipal Airport Perimeter Fence - Phase 2, Project CIP 2503, from Assistant Civil Engineer Kelley.
 - (b) Council Member Scattini moved to adopt Resolution No. 2005-75, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING PLANS AND SPECIFICATIONS AND CALLING FOR SEALED BIDS FOR THE HOLLISTER MUNICIPAL AIRPORT PERIMETER FENCE - PHASE 2 PROJECT, CIP 2503. Motion seconded by Council Member Emerson and carried by a unanimous vote.
5. Resolution No. 2005-76, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING EXECUTION OF AGREEMENT WITH SAN BENITO COUNTY FOR THE PAVING AND RELATED ROAD CONSTRUCTION ON BUENA VISTA ROAD.

- (a) Received transmittal dated May 27, 2005, A Resolution of the City Council of the City of Hollister Authorizing the Mayor to Execute an Agreement with San Benito County Regarding the Paving of Buena Vista Road, from Assistant Civil Engineer Kelley.
 - (b) Council Member Pike moved to adopt Resolution No. 2005-76, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING EXECUTION OF AGREEMENT WITH SAN BENITO COUNTY FOR THE PAVING AND RELATED ROAD CONSTRUCTION ON BUENA VISTA ROAD. Motion seconded by Council Member Emerson and carried by a unanimous vote.
- 6. Resolution No. 2005-77, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A SUPPLEMENTAL APPROPRIATION OF FUND 228 FOR THE DESIGN OF THE REPLACEMENT OF BUILDING 25 AT THE HOLLISTER MUNICIPAL AIRPORT.

Resolution No. 2005-78, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES CONTRACT WITH HPC ARCHITECTURE, INC. FOR THE DESIGN OF THE REPLACEMENT OF BUILDING 25 AT THE HOLLISTER MUNICIPAL AIRPORT.
 - (a) Received transmittal dated May 25, 2005, Resolutions Approving a Professional Services Contract with HPC Architecture, Inc., and a Supplement Appropriation of Fund 288 for the Design of the Replacement of Building 25 at the Hollister Municipal Airport, from Interim Engineering Manager Wittry.
 - (b) Council Member Scattini moved to adopt Resolution No. 2005-77, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING A SUPPLEMENTAL APPROPRIATION OF FUND 228 FOR THE DESIGN OF THE REPLACEMENT OF BUILDING 25 AT THE HOLLISTER MUNICIPAL AIRPORT. Motion seconded by Council Member Emerson and carried by a unanimous vote.
 - (c) Council Member Pike moved to adopt Resolution No. 2005-78, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES CONTRACT WITH HPC ARCHITECTURE, INC. FOR THE DESIGN OF THE REPLACEMENT OF BUILDING 25 AT THE HOLLISTER MUNICIPAL AIRPORT. Motion seconded by Council Member Emerson and carried by a unanimous vote.
- 7. Resolution No. 2005-79, A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF HOLLISTER MAKING AN EXCEPTION TO THE HOLDING TANK POLICY AND AUTHORIZING STAFF TO BEGIN REVIEWING A SITE AND ARCHITECTURAL APPLICATION FOR SOUTH VALLEY TRAILERS.

- (a) Received transmittal dated May 25, 2005, South Valley Trailers, from Development Services Director Avera.
 - (b) Council Member Scattini moved to adopt Resolution No. 2005-79, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER MAKING AN EXCEPTION TO THE HOLDING TANK POLICY AND AUTHORIZING STAFF TO BEGIN REVIEWING A SITE AND ARCHITECTURAL APPLICATION FOR SOUTH VALLEY TRAILERS. Motion seconded by Council Member Emerson and carried by a unanimous vote.
8. Resolution No. 2005-80, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AN APPROPRIATION OF FUND 662 FOR THE DESIGN OF THE INDUSTRIAL SEWER STORM DRAIN SEPARATION PROJECT, CIP NO. 2360.

Resolution No. 2005-81, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES CONTRACT WITH HARRIS AND ASSOCIATES FOR THE DESIGN OF THE INDUSTRIAL SEWER STORM DRAIN SEPARATION PROJECT, CIP NO. 2360.

- (a) Received transmittal dated May 26, 2005, Adopt Resolutions Approving Harris & Associates contract to provide design services for the Industrial Sewer Storm Drain Separation Project (CIP No. 2360) and approve the appropriation of funds to design the project, from Utility Engineer Hillstock.
- (b) Council Member Emerson moved to adopt Resolution No. 2005-80, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AN APPROPRIATION OF FUND 662 FOR THE DESIGN OF THE INDUSTRIAL SEWER STORM DRAIN SEPARATION PROJECT, CIP NO. 2360. Motion seconded by Council Member Scattini and carried by a unanimous vote.
- (c) Council Member Scattini moved to adopt Resolution No. 2005-81, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE PROFESSIONAL SERVICES CONTRACT WITH HARRIS AND ASSOCIATES FOR THE DESIGN OF THE INDUSTRIAL SEWER STORM DRAIN SEPARATION PROJECT, CIP NO. 2360. Motion seconded by Council Member Johnson and carried by a unanimous vote.

9. Resolution No. 2005-82, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A COOPERATIVE AGREEMENT BETWEEN THE CITY OF HOLLISTER, SAN BENITO COUNTY, AND SAN BENITO COUNTY WATER DISTRICT FOR THE DESIGNATION OF LEAD AGENCY AND RESPONSIBLE AGENCIES FOR PREPARATION OF THE EIR FOR THE CITY OF HOLLISTER WASTEWATER TREATMENT PLANT IMPROVEMENTS AND SAN BENITO COUNTY WATER DISTRICT RECYCLED WATER FACILITY.
 - (a) Received transmittal dated June 2, 2005, Consider Approval and Execution of Agreement for Cooperative CEQA Preparation for the Wastewater Treatment Plant Improvements and Recycled Water Facilities Project, from City Manager Quilter.
 - (b) Richard Place, Hollister, CA gave some history of the project and suggested that the City Council have a critical path analysis and a timeline with benchmarks. He commented that the completion of the Wastewater Treatment Plant is the most critical thing facing the City.
 - (c) Received oral comments from City Manager Quilter.
 - (d) City Council discussion. Council Member Emerson requested milestones. Council Member Scattini requested that information be submitted to the public.
 - (e) Council Member Emerson moved to adopt Resolution No. 2005-82, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A COOPERATIVE AGREEMENT BETWEEN THE CITY OF HOLLISTER, SAN BENITO COUNTY, AND SAN BENITO COUNTY WATER DISTRICT FOR THE DESIGNATION OF LEAD AGENCY AND RESPONSIBLE AGENCIES FOR PREPARATION OF THE EIR FOR THE CITY OF HOLLISTER WASTEWATER TREATMENT PLANT IMPROVEMENTS AND SAN BENITO COUNTY WATER DISTRICT RECYCLED WATER FACILITY. Motion seconded by Council Member Johnson and carried by a unanimous vote.
10. Intent to Amend City of Hollister's Contract with the California Public Employees' Retirement System (CalPERS) to provide Section 21363.2 (3% at 50 Full Formula) for eligible sworn unit members, with an effective date of July 1, 2005.

Resolution No. 2005-83, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AN AMENDMENT TO THE CONTRACT

BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF HOLLISTER.

Read by Title Only and Introduce Ordinance No. 997, AN URGENCY ORDINANCE OF THE CITY OF HOLLISTER AMENDING THE MUNICIPAL CONTRACT BETWEEN THE CITY OF HOLLISTER AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

- (a) Received transmittal dated June 6, 2005, Intent to Amend City of Hollister's Contract with the California Public Employees' Retirement System (CalPERS) to provide Section 21363.2 (3% at 50 Full Formula), from Administrative Services Director Galvan.
- (b) Council Member Johnson moved to adopt Resolution No. 2005-83, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF HOLLISTER. Motion seconded by Council Member Emerson and carried by a unanimous vote.
- (c) Council Member Pike moved to Read by Title Only and Introduce Ordinance No. 997, AN URGENCY ORDINANCE OF THE CITY OF HOLLISTER AMENDING THE MUNICIPAL CONTRACT BETWEEN THE CITY OF HOLLISTER AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM. Motion seconded by Council Member Emerson and carried by a unanimous vote.
- (d) City Attorney Cass read by Title only Ordinance No. 997.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

- 1. Reports from City Council Committees.
 - (a) Council Member Emerson announced that the Homeless Task Force is making progress with the County building bunk houses for the Shelter.
 - (b) Council Member Johnson stated that the Fire Task Force meeting had been continued.
- 2. Reports from City Council, City Manager, City Attorney, and Staff.
 - (a) City Manager Quilter - announced that the RDA workshop will be

Thursday (June 9) beginning at 4 p.m.; Budget Study Sessions will be held the week of June 13; staff is coordinating a date for the Retreat; and the Economic Development Workshop will be held in late June or early July.

- (b) City Attorney Cass - nothing to report.
- (c) City Clerk Johnson - announced that the 4th of July Kiddie Parade will begin at 10:00 a.m. and the Fireworks will be held at dusk at Maze Middle School.
- (d) City Council Member Pike, District 1 - reminded everyone of the fund raiser on June 18 for Chamberlain's Children Center; his District 1 Focus Group will meet during the summer; and he is working with PG&E for alternative power sources.
- (e) City Council Member Emerson, District 4 - urged everyone to support the fund raiser for Chamberlain's Children Center; June is American Red Cross Month and they need blood; the American Red Cross has a blood bank the first Thursday of every month; and March was Colorectal Cancer Awareness Month and he urged everyone to get screened.
- (f) City Council Member Johnson, District 5 - attended the American Red Cross gala last Saturday; the American Red Cross of Monterey and San Benito Counties have merged their efforts and offices and are looking for new board members; attended the San Benito County Child Care Providers reception and it is important to recognize them for caring for our children; she congratulated the Galaxy Cheer group for the comedy night held last Friday at the Veterans Memorial Building; and congratulated the San Benito County Vintners for their passport weekend and it is good for tourism.
- (g) City Council Member Scattini, District 2 - asked the City Manager to do something about all of the cars for sale parked on Rajkovich Drive; urged everyone to have their house numbers on their homes; asked the City Manager to check the sidewalk on Sixth Street; congratulated the San Benito High School Class of 2005; asked for more patrol around Calaveras School as the graffiti has increased; and expressed sympathy to the family of George Kincaid who passed away recently.
City Manager Quilter responded that the Sixth Street sidewalk was an old section, not the new bricks and a work order for repair has been sent to the yard.
- (h) Mayor Valdivia, District 3 - expressed her sympathy to the family of George Kincaid.

3. Receive status report on Hollister Municipal Airport.

- (a) Received oral report from Airport Manager Gere. He is studying rental

- rated at surrounding airports.
 - (b) Council Member Emerson suggested that he discuss rated with the Airport Advisory Commission before bringing the information to the City Council.
 - (c) Information only; no City Council action taken.
- 4. Receive oral report regarding water and wastewater issues.
 - (a) Received oral report
 - (b) Information only; no City Council action taken.
- 5. Hollister Gang Task Force Advisory Board Report.
 - (a) Received transmittal dated May 27, 2005, Hollister Gang Task Force Advisory Board Report to the City Council, from Chief of Police Miller.
 - (b) Received oral comments from Hollister Gang Task Force Advisory Board Chairman Rick Maddux regarding the last community meeting and they are planning for the next community meeting.
 - (c) Information only; no City Council action taken.

F. UNFINISHED BUSINESS:

None.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

The City Council recessed at 9:50 p.m.

The City Council reconvened at 9:53 p.m.

City Council Member Pike moved to adjourn to Closed Session at 9:53p.m. to complete the Closed Session agenda. Motion seconded by Council Member Scattini and carried by a unanimous vote.

The City Council reconvened at 10:22 p.m.

City Attorney Cass announced that the City Council had directed her to prepare a contract with Clint Quilter for continued services as City Manager. The contract will be on the City Council agenda for June 20.

City Council Regular Meeting
June 6, 2005

ADJOURNMENT:

There being no further business to come before the City Council of the City of Hollister, the regular meeting of June 6, 2005, was adjourned at 10:24 p.m. in memory of George Kincaid by motion of Council Member Pike. Motion seconded by Council Member Emerson and carried by a unanimous vote.

Respectfully submitted,

Geri Johnson, CMC
City Clerk